



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,130	11/28/2001	David B. Kumhyr	AUS920010444US1	1438

7590

01/11/2005

Frank C. Nicholas
CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201

EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,130

Applicant(s)

KUMHYR ET AL.

Examiner

Jeffrey R. Swearingen

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/28/2001
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. The effective filing date of this application is 11/28/2001.

Drawings

2. The drawings have been reviewed and are considered acceptable for examination purposes.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 17 and 18 recite the limitation "predictive data" in the claim. There is insufficient antecedent basis for this limitation in the claim. For purposes of compact prosecution Examiner will treat claims 17 and 18 as being dependent upon claim 16, which will provide antecedent basis for this limitation in the claims, and further because Examiner believes this is Applicant's intended dependency for the claims based upon the claim dependency structure for claims 1-10, which have substantially the same claim scope and limitations as claims 11-20.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (U.S. Patent No. 6,029,195) and Jacobs et al. (U.S. Patent No. 6,789,170, hereafter referred to as Jacobs).

8. Regarding claim 1, Herz discloses *providing at least one user group* [Herz discloses using a "user profile" which holds attributes for the user to be used in finding relevant information. See Herz, column 4, lines 53-55.], *determining tag information for the data objects* [Herz discloses that each object available for access by the user has a profile containing the object's attributes. See Herz, column 4, lines 49-53.], *determining at least one group interest for the user group* [Herz discloses that the system can compare attributes between one user and a "similar user". Examiner considers comparing attributes between users to see what similar users might be interested in as equivalent to *determining at least one group interest for the user group*. See Herz, column 6, lines 34-43.], and *determining whether the tag information corresponds to the group interest* [The object attributes are compared to the user attributes, and ranked to show how much the user might be interested in them. See Herz, column 5, lines 6-20.]. Herz fails to disclose *placing data objects including tag information of said group interest into a server cache*.

9. However, Jacobs discloses *placing data objects including tag information into a server cache* [Jacobs discloses caching data with specialized tags. Jacobs' system is utilized for inserting custom data by using the tags upon a user retrieving said data from the cache, but the insertion of custom data is upon retrieval and would not affect the caching of data with tags intact. See Jacobs, column 2, lines 54-62.].

10. It would have been obvious to one of ordinary skill in the art to combine the teachings of Herz and Jacobs for the purpose of caching customized data for multiple users for faster access. [See Jacobs, column 1, line 63 – column 2, line 2. See Jacobs, column 2, lines 13-24.] Herz gives motivation for the combination by stating users should be able to access relevant information without expending an excessive amount of time and energy. [See Herz, column 4, lines 28-32.] By this rationale claim 1 is rejected.

11. Regarding claim 2, Herz and Jacobs are applied as in claim 1. Herz further discloses that *the data object includes a Web page*. [Herz discloses that target objects may be of various sorts, including

Art Unit: 2145

World Wide Web sites. See Herz, column 7, lines 19-35.] Jacobs also discloses that cached data can comprise web pages. [See Jacobs, column 3, lines 54-59.] By this rationale claim 2 is rejected.

12. Regarding claim 3, Herz and Jacobs are applied as in claim 2. Jacobs further discloses that *the Web page comprises information provided as hypertext mark-up language (HTML) or extensible mark-up language (XML), including tag information provided as hypertext transfer protocol (HTTP)*. [See Jacobs, column 4, lines 6-10. See Jacobs, column 3, lines 54-59.] By this rationale claim 3 is rejected.

13. Regarding claim 4, Herz and Jacobs are applied as in claim 1. Herz further discloses *reading data object tag information*. [Herz discloses using profile information that describes the target objects' characteristics. In order to use the profile information, the system must read the profile information. See Herz, column 6, lines 16-22.] By this rationale claim 4 is rejected.

14. Regarding claim 5, Herz and Jacobs are applied as in claim 1. Herz further discloses *generating data object tag information* [Herz discloses automatically calculating and updating profile information for target objects' characteristics. Calculating profile information based upon the target objects' characteristics and placing it in or updating a profile are equivalent to *generating data object tag information*. See Herz, column 6, lines 16-22.]. By this rationale claim 5 is rejected.

15. Regarding claim 6, Herz and Jacobs are applied as in claim 1. Herz further discloses *managing predictive data*. [Herz discloses matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics. See Herz, column 6, lines 16-22.] By this rationale claim 6 is rejected.

16. Regarding claim 7, Herz and Jacobs are applied as in claim 6. Herz further discloses *considering static predictions*. [Herz discloses using attributes from a target object's profile and matching them to attributes from a user's profile. See Herz, column 6, lines 38-54.] By this rationale claim 7 is rejected.

17. Regarding claim 8, Herz and Jacobs are applied as in claim 6. Herz further discloses *considering access patterns*. [Herz discloses using how often something is accessed in determining the target object's attributes. See Herz, column 6, lines 43-45, lines 54-58.] By this rationale claim 8 is rejected.

18. Regarding claim 9, Herz and Jacobs are applied as in claim 1. Herz further discloses *determining whether the tag information corresponds to the group interest comprises determining interest match*

Art Unit: 2145

information. [Herz discloses matching users and target objects by their profile information to match users' interests and target objects' characteristics. See Herz, column 6, lines 16-22.] By this rationale claim 9 is rejected.

19. Regarding claim 10, Herz and Jacobs are applied as in claim 1. Herz further discloses *determining whether the tag information corresponds to the group interest comprises determining a pertinence score.** [Herz discloses ranking the listing of target objects most likely to be of interest to a user. Examiner considers a ranking to be equivalent to a pertinence score.] By this rationale claim 10 is rejected.

20. Regarding claim 11, the limitations of this claim are substantially the same as the limitations of claim 1. Therefore the rationale used to reject claim 1 is equally applicable to claim 11. By this rationale claim 11 is rejected.

21. Regarding claim 12, the limitations of this claim are substantially the same as the limitations of claim 2. Therefore the rationale used to reject claim 2 is equally applicable to claim 12. By this rationale claim 12 is rejected.

22. Regarding claim 13, the limitations of this claim are substantially the same as the limitations of claim 3. Therefore the rationale used to reject claim 3 is equally applicable to claim 13. By this rationale claim 13 is rejected.

23. Regarding claim 14, the limitations of this claim are substantially the same as the limitations of claim 4. Therefore the rationale used to reject claim 4 is equally applicable to claim 14. By this rationale claim 14 is rejected.

24. Regarding claim 15, the limitations of this claim are substantially the same as the limitations of claim 5. Therefore the rationale used to reject claim 5 is equally applicable to claim 15. By this rationale claim 15 is rejected.

25. Regarding claim 16, the limitations of this claim are substantially the same as the limitations of claim 6. Therefore the rationale used to reject claim 6 is equally applicable to claim 16. By this rationale claim 16 is rejected.

Art Unit: 2145

26. Regarding claim 17, the limitations of this claim are substantially the same as the limitations of claim 7. Therefore the rationale used to reject claim 7 is equally applicable to claim 17. By this rationale claim 17 is rejected.

27. Regarding claim 18, the limitations of this claim are substantially the same as the limitations of claim 9. Therefore the rationale used to reject claim 8 is equally applicable to claim 18. By this rationale claim 18 is rejected.

28. Regarding claim 19, the limitations of this claim are substantially the same as the limitations of claim 9. Therefore the rationale used to reject claim 9 is equally applicable to claim 19. By this rationale claim 19 is rejected.

29. Regarding claim 20, the limitations of this claim are substantially the same as the limitations of claim 10. Therefore the rationale used to reject claim 10 is equally applicable to claim 20. By this rationale claim 20 is rejected.

30. Regarding claim 21, the limitations of this claim are substantially the same as the limitations of claim 1. Therefore the rationale used to reject claim 1 is equally applicable to claim 21. By this rationale claim 21 is rejected.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kirsch U.S. Patent No. 5,659,732

Codella et al. U.S. Pub. No. 2003/0005038

Perkowitz et al. U.S. Patent No. 6,138,128

Chaddha U.S. Patent No. 6,122,658

Davis et al. U.S. Pub. No. 2002/0099812

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

Art Unit: 2145

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPS



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100